

1 HONORABLE RICHARD A. JONES
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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 EVAN JAMES POLK, a/k/a JAMES
9 MOZROK,

10 Plaintiff,

11 v.

12 LEONID GONTMAKHER, and JANE
13 DOE GONTMAKHER, husband and
14 wife, and the marital community
15 composed thereof; CANNEX CAPITAL
16 HOLDINGS, INC., a Canadian
17 corporation; NORTHWEST CANNABIS
18 SOLUTIONS, d/b/a NWCS425.COM, a
19 Washington cannabis licensee; JOHN
DOES 1-10 and JANE DOES 1-10,
husbands and wives, and the marital
communities composed thereof; and
XYC LLCs 1-10,

Defendants.

Case No. 2:18-cv-01434-RAJ

{PROPOSED} ORDER GRANTING
DEFENDANT LEONID
GONTMAKHER'S REQUEST FOR
JUDICIAL NOTICE

20 THIS MATTER came before the Court on Defendant Leonid Gontmakher's
21 Request for Judicial Notice. Dkt. # 7. Plaintiff has not opposed or responded to
22 Defendant's Request. For the reasons that follow, the Court **GRANTS** Defendant's
23 Request.

24 Under Rule 201, a court may take judicial notice of "a fact that is not subject to
25 reasonable dispute because it: (1) is generally known within the trial court's territorial
26 jurisdiction; or (2) can be accurately and readily determined from sources whose
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1 accuracy cannot reasonably be questioned.” Fed. R. Evid. 201. Certain public records
2 qualify under the second category, including the “records and reports of administrative
3 bodies.” *United States v. Ritchie*, 342 F.3d 903, 909 (9th Cir. 2003) (quoting *Interstate*
4 *Nat. Gas Co. v. S. Cal. Gas Co.*, 209 F.2d 380, 385 (9th Cir. 1953)). Courts may take
5 judicial notice of, for instance, judicial proceedings in other courts. *Rosales-Martinez v.*
6 *Palmer*, 753 F.3d 890, 894 (9th Cir. 2014). Courts may also take judicial notice of
7 “authentic documents recorded with a governmental agency.” *Gelinas v. U.S. Bank, NA*,
8 No. 16-1468-JLR, 2017 WL 553277, at *3 (W.D. Wash. Feb. 10, 2017).

9 Here, Defendant Gontmakher requests that the Court take judicial notice of the
10 following public criminal court records for Plaintiff Evan James Polk and public
11 licensing information for Defendant Northwest Cannabis Solutions in connection with
12 Defendant Leonid Gontmakher’s Motion to Dismiss Pursuant to FED. R. CIV. P. 12(b)(6):

Documents	Exhibit
Certified criminal court records, <i>Commonwealth of Virginia v. Evan James Polk</i> , CR13001117-00, from the Circuit Court of Prince William County, Virginia	Exhibit A
Certified criminal court records, <i>Commonwealth of Virginia v. Evan James Polk</i> , CR13001118-00, from the Circuit Court of Prince William County, Virginia	Exhibit B
Certified criminal court records, <i>State of Nevada v. Evan James Polk</i> , Case No. C-10-269539-1 from the District Court for Clark County, Nevada	Exhibit C
Northwest Cannabis Solutions marijuana producer/processor Washington business licenses	Exhibit D
Washington State Department of Revenue eServices business license information for Northwest Cannabis Solutions (obtained from the business lookup service available at https://secure.dor.wa.gov/home/)	Exhibit E

24 The Court considers these documents proper for judicial notice under Rule 201.
25 Moreover, per Rule 201(c), Defendant has supplied the Court with the necessary
26 information to take such judicial notice in the form of copies of the aforementioned
27 documentation. Dkt. # 7, Exs. A-E.

1 Accordingly, the Court **GRANTS** Defendant's Request for Judicial Notice. Dkt. #
2 7. The Court will take judicial notice of the aforementioned documents attached as
3 Exhibits A-E to Defendant's Request.

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5 DATED this 27th day of March, 2019.

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8 The Honorable Richard A. Jones
9 United States District Judge